

**FINDINGS OF FACT
AND
RECORD OF DECISION**

**Regarding Need for an
ENVIRONMENTAL ASSESSMENT WORKSHEET**

**For the
VEGETATION MANAGEMENT AT CEDAR LAKE'S HIDDEN
BEACH**

Responsible Governmental Unit

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Petitioner

Jennifer Liebenow
1105 West 28th Street #210
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I. PETITION FOR ENVIRONMENTAL REVIEW

On April 29, 2002, the City of Minneapolis received a petition forwarded from the Minnesota Environmental Quality Board (EQB) that had been filed with the Board by Jennifer Liebenow. The petitioner requests the preparation of an Environmental Assessment Worksheet (EAW) for the Vegetation Management at Cedar Lake's Hidden Beach (Activity). The EQB determined that the City is the appropriate responsible governmental unit (RGU) for the decision on the petition. According to Minnesota Rules, chapter 4410, the Activity does not fit either the exempt or the mandatory categories. However, the City has the option of requiring a Discretionary EAW.

II. PUBLIC NOTIFICATION AND DISTRIBUTION

On May 31, 2002, the City sent Jennifer Liebenow, via United States Post Office mail, the Planning Department report. After the City makes a determination regarding the need for environmental review, notice of the decision will be distributed to the EQB and the Jennifer Liebenow per Minn. Rules 4410.1100 Subp. 8.

III. ACTIVITY DESCRIPTION

The Minneapolis Park & Recreation Board plans to remove buckthorn at Cedar Lake's Hidden Beach area. This activity is an on-going program that the Minneapolis Park and Recreation Board has been doing for a number of years.

IV. MATERIAL EVIDENCE IN THE PETITION AND RESPONSES TO EVIDENCE

The following section includes the "material evidence" section of the petition and the responses to the evidence:

A. Harmful Effects on Cedar Lake and Shoreline

Material Evidence: The petitioner asserts that the Activity will have harmful effects on Cedar Lake and potentially the watershed and devastation of shoreline.

Response: The petitioner includes no evidence to support this claim.

B. The Activity is further along than publicized and did not address issues raised by the public

Material Evidence: The petitioner asserts that the plan is further along than publicized and that the "majority of voices expressed interest in working with the Minneapolis Park & Recreation Board and the Park Police". The petitioner asserts that the interest in working together is not represented in the project plan. Further, the petitioner asserts that the meetings were to be informational, and that no action would be taken this year.

Response: The petitioner includes no evidence to support this claim. In addition, the publication or accuracy of information, presented by the Minneapolis Park & Recreation, related to the Activity is not a relevant basis to order an Environmental Assessment Worksheet because no environmental impacts are associated with this Activity.

C. The Activity will require the deployment of a large contingent of workers and heavy equipment.

Material Evidence: The Activity will require the deployment of a large contingent of workers and heavy equipment.

Response: The number of workers or amount of heavy equipment is not a relevant basis to order an Environmental Assessment Worksheet because no environmental impacts are associated with this Activity.

D. Loss of Vegetation and Organic Material

Material evidence: The Activity will remove an enormous amount of vegetation and organic material from the park ecosystem at an especially critical time of year for wildlife and plants.

Response: According to the Minneapolis Park & Recreation Board (please see attached letter dated May 10, 2002), buckthorn is currently the largest ecological threat to plant communities in Minneapolis and across the nation. Rather than being an ecological harmful action, removal of exotic species is a long-term ecological improvement.

E. An Altered Landscape

Material evidence: The Activity will create a radically altered landscape resulting in much less life and a greatly diminished natural experience.

Response: According to the Minneapolis Park and Recreation Board (MPRB), it may seem drastic to remove buckthorn from such a large area, but removing the seed-producing plants from a large area is the only proven method of ensuring the sustainability of the Activity. MPRB has removed comparably large areas in the park system and are having success in sustaining these locations.

The loss of ground cover and lack of tree regeneration are the long-term effects of buckthorn infestation. The loss of ground cover presents a more serious water quality issue than the actual removal, as the lack of ground cover allows the unprotected soil to erode easily. The lack of tree regeneration within the buckthorn thickets is the most pernicious long-term effect. This lack of forest regeneration has serious long-term consequences to the forest in natural areas. The loss of juvenile trees needs to be addressed on a large enough scale to be meaningful and successful.

V. FINDINGS

A. Harmful Effects on Cedar Lake and Shoreline

The petitioner asserts that the Activity will have harmful effects on Cedar Lake and potentially the watershed and devastation of shoreline. The petitioner includes no evidence to support this claim.

B. The Activity is further along than publicized and did not address issues raised by the public

The petitioner asserts that there were problems with the information presented by the MPRB. The petition includes no evidence to support this claim. In addition, the publication or accuracy of information, presented by the Minneapolis Park & Recreation, related to the Activity is not a relevant basis to order an Environmental Assessment Worksheet because no environmental impacts are associated with this activity.

C. The Activity will require the deployment of a large contingent of workers and heavy equipment

The Activity will require the deployment of a large contingent of workers and heavy equipment. The number of workers or amount of heavy equipment is not a relevant basis to order an Environmental Assessment Worksheet because no environmental impacts are associated with this Activity.

D. Loss of Vegetation and Organic Material

The petitioner asserts that the Activity will remove an enormous amount of vegetation and organic material from the park ecosystem at an especially critical time of year for wildlife and plants. According to the Minneapolis Park & Recreation Board (please see attached letter dated May 10, 2002), buckthorn is currently the largest ecological threat to plant communities in Minneapolis and across the nation. Rather than being an ecological harmful action, removal of exotic species is a long-term ecological improvement.

E. An Altered Landscape

The petitioner asserts that the Activity will create a radically altered landscape resulting in much less life and a greatly diminished natural experience. According to the Minneapolis Park and Recreation Board (MPRB), removing the seed-producing plants from a large area is the only proven method of ensuring the sustainability of the Activity.

**VI. DECISION ON THE NEED FOR A DISCRETIONARY
ENVIRONMENTAL ASSESSMENT WORKSHEET**

Based on the information in the file and the above analysis, the City of Minneapolis, the responsible governmental unit (RGU) for this petition review, concludes the following:

1. The attached "Findings" document and related documentation were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700 (1993).
2. The attached "Findings" document and related documentation have satisfactorily addressed all of the issues for which existing information could have been reasonably obtained.
3. The Activity does not constitute a project as defined by 4410.4600 and it does not have the potential for significant environmental effects.

Consequently, the City does not require the development of a Discretionary Environmental Assessment Worksheet for the Activity.

Attachments:

1. Letter to Michael Orange from Jon Larsen, Environmental Quality Board, dated April 24, 2002, with one copy of the petition, April 16, 2002
2. MPRB letter dated May 10, 2002.